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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/575,381	05/23/2007	Gunther Gschossmann	12841/9	8980

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EXAMINER	
PATEL, DHARTI HARIDAS	
ART UNIT	**PAPER NUMBER**
2836	

MAIL DATE	DELIVERY MODE
11/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/575,381	GSCHOSSMANN ET AL.	
	Examiner	Art Unit	
	Dharti H. Patel	2836	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04/08/2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *8-14* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *8-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *08 April 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *04/08/06*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Priority

The applicant is advised that a certified English translation of the applicant's foreign priority document GERMANY 103 47 118.9 is required in order to claim full benefit of the foreign priority date.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 8-12 and 14 are rejected under 35 U.S.C. 102(a) as being unpatentable over Morsch, DE 3425235.

With respect to claim 8, Morsch discloses a circuit arrangement for protecting electronic circuits against overvoltage. Morsch discloses a normally closed switching element [Fig. 2, V-MOS transistor 2] inserted into the circuit for a current supply of the electronic circuit, the switching element [Fig. 2, V-MOS transistor 2] being able to be switched into an open state via means for detecting an overvoltage [Fig. 2; consists of diode 1 and transistor 4] in one of a first sensor line [Fig. 2; positive power line] and a second sensor line [Fig. 2; negative power line], in order to prevent an overvoltage that is damaging to the electronic circuit [abstract, lines 1-8]. However, Morsch does not disclose a circuit arrangement for protecting a rotary speed sensor of a vehicle against overvoltage.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to specifically protect a generic rotary sensor from overvoltage, since it is well known in the art that all sensors need overvoltage protection to prevent from being damaged. Furthermore, It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. Ex parte Masham, 2 USPQ2d 1647 (1987).

With respect to claim 9, Morsch discloses that the normally closed switching element includes a transistor [Fig. 2; V-MOS transistor 2]; and a base terminal of the transistor is controlled by the means for detecting the overvoltage [Fig. 2; a base terminal of the transistor 2 is controlled by the means for detecting the overvoltage (diode 1 and transistor 4) via a disconnection controller (transistor 6 and Zener diode 8)].

With respect to claim 10, Morsch discloses that the means for detecting the overvoltage includes a diode device [Fig. 2, 1], and the diode device [Fig. 2, 1] controls a second transistor [Fig. 2, 10] via at least one Z diode [Fig. 2; 8] serving as a threshold value element which, in turn, switches the switching element [Fig. 2; V-MOS transistor 2] into the open state [abstract, lines 1-7].

With respect to claim 11, Morsch discloses that the sensor is designed for a lower operating voltage than an electrical system voltage of the vehicle [The operating voltage of the sensor can be any desired voltage, based on the particular application. In this case, a reason for utilizing a voltage lower than system voltage is to accomplish

cost savings by using lower rated electronic components, as well as reducing heat dissipation in the electronic components themselves].

With respect to claim 12, Morsch discloses that the signal conditioning circuit includes a comparator [Fig. 2; 11].

With respect to claim 14, Morsch discloses a circuit arrangement for protecting electronic circuits against overvoltage. Morsch discloses a normally closed switching element [Fig. 2, V-MOS transistor 2] inserted into the circuit for a current supply of the electronic circuit, the switching element [Fig. 2, V-MOS transistor 2] being able to be switched into an open state via means for detecting an overvoltage [Fig. 2; consists of diode 1 and transistor 4] in one of a first sensor line [Fig. 2; positive power line] and a second sensor line [Fig. 2; negative power line], in order to prevent an overvoltage that is damaging to the electronic circuit [abstract, lines 1-8]. However, Morsch does not disclose a motor vehicle comprising a circuit arrangement for protecting a rotary speed sensor of a vehicle against overvoltage. With respect to the motor vehicle limitation, the examiner notes that this is cited in the preamble only. See MPEP 2111.02 II.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to specifically protect a generic rotary sensor from overvoltage, since it is well known in the art that all sensors need overvoltage protection to prevent from being damaged. Furthermore, It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. Ex parte Masham, 2 USPQ2d 1647 (1987). With respect to the motor

vehicle limitation, the examiner notes that this is cited in the preamble only. See MPEP 2111.02 II.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morsch, DE 3425235, in view of Qu et al., Publication No. US 2004/0016461.

Morsch does not disclose that the control unit includes a microcontroller for an input-side supply of the rotary speed signal.

Qu discloses that the control unit includes a microcontroller [par. 0017 lines 1-4].

Morsch and Qu are analogous overvoltage protection circuits. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Qu's microcontroller, into Morsch's overvoltage protection circuit arrangement, for the benefit of recording overvoltage events for further processing such as trouble shooting and establishing future trends.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dharti H. Patel whose telephone number is 571-272-8659. The examiner can normally be reached on 7:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Sherry can be reached on 571-272-2800, Ext. 36. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dharti H. Patel/
GAU 2836
10/17/2007

10/28/07

MICHAEL SHERRY
SUPERVISORY PATENT EXAMINER